



September 1, 1999

Ms. Tenley Aldredge  
Assistant County Attorney  
County of Travis  
P.O. Box 1748  
Austin, Texas 78767

OR-2467

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126966.

Travis County (the "county") received a request for all information related to three criminal cases in which Ivory Dean Clement, Sr. is a party. You indicate that documents on file with the District Clerk's Office will be made available to the requestor. You seek to withhold other responsive information asserting that it is excepted from public disclosure by sections 552.101, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a)(3) excepts from required public disclosure

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

....

- (3) it is information that:

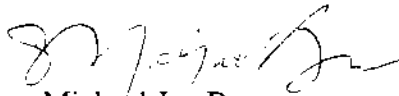
- (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state[.]

You contend that the records responsive to the instant request may be withheld in their entirety under the ruling in *Curry v. Walker*, 873 S.W.2d 379 (Tex. 1994). There, the Texas Supreme Court ruled that, where a district attorney's entire litigation file was sought by subpoena, the work product privilege extended to the entire file because, as requested, that material reflected the attorney's mental impressions. Here, the requestor seeks entire prosecution files. We agree that you may withhold the prosecution files responsive to the instant request in their entirety under section 552.108(a)(3)(B) in conjunction with the ruling in *Curry*. Since we have disposed of this request under section 552.108(a)(3)(B), we need not address at this time the other exceptions to disclosure you raised.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 126966

Enclosures: Marked documents

cc: Ms Jill Gant  
Onstad Law Firm  
903 Ranch Road 620 South, Suite 302  
Austin, TX 78734-5609  
(w/o enclosures)